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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,977	09/26/2005	Gerard Marmigere	FR920030013US1	1680
45095 7590 09/30/2008 HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207				
EXAMINER BLACKWELL, JAMES H				
ART UNIT 2176		PAPER NUMBER		
NOTIFICATION DATE 09/30/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/550,977

Applicant(s)

MARMIGERE ET AL.

Examiner

James H. Blackwell

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 05/01/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to an amendment filed 06/16/2008.

Claims 1 and 5-8 remain pending. Claim 1 is the independent claim.

Claims 2-4, and 9-10 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreau et al. (hereinafter Moreau, U.S. Patent No. 7,260,776 filed 06/26/2002, issued 08/21/2007).

In regard to independent Claim 1, Moreau discloses:

- *A method for optimizing tag based protocol stream parsing* (Abstract; Fig. 1 → describes processing an XML document containing elements (i.e. tagged content) by use of an XML Schema for that document that has added to it functions to be executed when a particular document element is identified in the schema), *said method comprising:*

- *providing a reference tag table comprising a plurality of rows, each row comprising a first column containing a tag, a second column containing a set of one or more attributes corresponding to the tag in the first column, and a third column containing a name of a function associated with the tag in the first column, the function using a value of each of the attributes in the second column as a parameter when executed* (Abstract; Col. 7, schema listing → Moreau describes an XML schema containing a set of tag names, one or more attributes corresponding to each tag name, and a corresponding function associated with both the tag name and the attributes. For example, the element name <character> has associated with it the functions "viewPicture" and "playText." Each of these functions has associated with them a series of arguments (i.e. attributes). More importantly, Moreau's "schema" and the claimed "table" are merely manifestations of the same thing in that both function as references that are accessed in response to the processing (i.e. parsing) of a markup document tag. When a match is found for the tag in the reference, a corresponding function is executed).
- *each time a tag is read from the tag based protocol stream:*
 - *comparing said read tag and the tags of said reference tag table* (Col. 10, lines 13-57, Fig. 1 → describes loading an XML document (and its associated schema, i.e. *reference tag table*) and the selection of a tag in the XML document. The tag can be either

chosen manually by a user with, for example, a mouse, or the document can be automatically processed. In the latter case, the XML document is processed (e.g. parsed). A “current tag” (i.e. *read tag*) name is read from the XML document. This name is searched for in the schema document (i.e., *reference tag table*) and matched, if present, to its schema counterpart. Specifically, if the “current tag” is `<character>Julien Sorel</character>`, its corresponding tag in the schema is `<xs:element name="character" type="xs:string"/>` (see also Col. 7, schema listing)).

- *if said read tag belongs to said reference tag table, determining if a function name is associated with said tag belonging to said reference tag table* (Col. 7, schema listing; Col. 10, line 57 through Col. 11, line 20 → describes identification of a match between the “current tag” and its schema counterpart. In the example schema listed in Col. 7, Moreau associates functions with particular element names located in the XML document. Having first identified a match, a declarative tag of a function associated with the matching tag is searched for and identified, if present.)
- *if a function name is associated to said tag belonging to said reference tag table, executing the function corresponding with said function name associated to said tag belonging to said reference tag table* (Col. 7, schema listing; Col. 10, line 57 through Col. 11,

line 54 → Functions found are processed and either presented to the user for selection (once selected, the functions are executed), or in the case where a program replaces the user for automatic processing, a function is selected and executed).

- *wherein the function corresponding to a given tag is executed only if each attribute in the set of attributes associated with the read tag in the reference tag table is in the tag based protocol stream* (Col. 7, schema listing → with the definitions of "element" and "attribute" in mind, the "schema element" whose "name" attribute value is "character" which corresponds to the XML document "element" labeled "character" also includes two functions. Those functions will only be executed if the XML document contains an "element" labeled "character." In other words, the functions "viewPicture" and "playText" are only executed if the XML document element labeled "character" is present. The label "character" corresponding to the "schema element" attribute labeled "name" whose value is "character").
- *wherein a same tag can be associated to a plurality of sets of different attributes in the reference tag table* (at least Col. 7, schema listing → keeping in mind the definition of an element and an attribute as listed above and in the

Specification, Moreau contains multiple instances of the "schema element" <xs:argument/> associated with several sets of attributes (e.g., "author", "character", "title").

In regard to dependent Claim 7, Moreau discloses:

- *said tag based protocol stream is an eXtensible Markup Language (XML) stream* (see Col. 5, lines 30-40 → lists an XML document snippet that is processed by the system).

In regard to dependent Claim 8, Moreau discloses:

- *said reference tag table is associated to the a Document Type Definition defined in said XML stream* (Abstract; Col. 2, lines 17-27 → Moreau describes the use of XML schemas however, Moreau describes a DTD as a type of schema. Both the claimed DTD and Moreau's schema contain functions that can be executed based upon their association with "schema" elements which have corresponding XML file elements).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreau in view of Fry (U.S. Patent No. 6,880,125 filed 11/26/2002, issued 04/12/2005).

In regard to dependent Claim 5, Moreau fails to disclose:

- *the function corresponding to said function name associated to said tag belonging to said reference tag table comprises a skip function that allows the a parser to skip a determined amount of data following said read tag, the amount of data being either predetermined or being determined by an attribute value.*

Moreau teaches functions, but does not specifically teach a "skip function."

However, Fry describes a streaming parser API (Abstract; Col. 2, lines 21-35) that enhances the functionality of an XML parser such as SAX and gives a programmer more control over the parsing of an XML document. Enhancements are provided that allow a programmer to stop processing the document, skip ahead to specific sections of the document, and/or get subsections of the document as mini DOM trees.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Moreau and Fry as both inventions are

related to the processing of XML content by software. Adding the disclosure of Fry provides the benefit of additional functionality that allows a parser to skip portions of an XML document as an aid to speed up processing.

In regard to dependent Claim 6, Moreau fails to disclose:

- *the function corresponding to said function name associated to said tag belonging to said reference tag table comprises a save function that associates, in memory, a determined amount of data following said read tag to a predetermined label or to a label being given as an attribute value.*

Moreau teaches functions, but does not specifically teach a "save function."

However, Fry describes a streaming parser API (Abstract; Col. 2, lines 21-35) that enhances the functionality of an XML parser such as SAX and gives a programmer more control over the parsing of an XML document. Enhancements are provided that allow a programmer to stop processing the document, skip ahead to specific sections of the document, and/or get subsections of the document as mini DOM trees. This "getting of subsections" amounts to functionality that stores or saves portions of the XML stream into DOM trees, at least in memory.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of Moreau and Fry as both inventions are related to the processing of XML content by software. Adding the disclosure of Fry provides the benefit of additional functionality that allows a parser to store portions of an XML document so that those smaller portions can be operated on separately.

Response to Arguments

Applicant's arguments filed 06/16/2008 have been fully considered but they are not persuasive. Applicants argue that Moreau's "schema document" is not the same as applicant's "reference tag table."

The Examiner respectfully disagrees.

Both Moreau's "schema" and Applicant's "reference tag table" are used as "lookup tables" or references used in processing tag elements in their respective files. Both the schema and reference tag tables contain tags/elements, attributes, values and functions that, in the process of executing the inventions replace corresponding tags in their respective files and execute corresponding functions that replace those tags. There is no fundamental difference between a "schema" and a "reference tag table" at least in terms of their function between the instant invention and that of Moreau.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is (571)272-4089. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/23/2008

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